

ESTTA Tracking number: **ESTTA730901**

Filing date: **03/02/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Cromsource S.r.l.
Granted to Date of previous extension	03/02/2016
Address	Via Georgio De Sandre, 3 Verona (VR), 37135 ITALY

Attorney information	James J. Bitetto Tutunjian & Bitetto, P.C. 425 Broadhollow Road, Suite 302 Melville, NY 11747 UNITED STATES trademarks@tb-iplaw.com Phone:631 844 0080
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### Applicant Information

Application No	86635637	Publication date	11/03/2015
Opposition Filing Date	03/02/2016	Opposition Period Ends	03/02/2016
Applicant	MomForce, LLC 3209 RED MEADOW RD. KNOXVILLE, TN 37931 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 2015/05/11 First Use In Commerce: 2015/05/11 All goods and services in the class are opposed, namely: Employment hiring, recruiting, placement, staffing and career networking services; Providing a web site featuring the ratings, reviews and recommendations on employers and employees and places of employment for use by employees, employers, business owners, and consumers; Providing on-line employment placement services, namely, matching resumes and potential employers via a global computer network; Providing on-line interactive employment counseling and recruitment services
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4445694	Application Date	03/28/2012
Registration Date	12/10/2013	Foreign Priority Date	02/06/2012

Word Mark	CROMSOURCE
Design Mark	<b>CROMSOURCE</b>
Description of Mark	The mark consists of the word "CROMSOURCE".
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0  Calculating machines; Computers; Information processing equipment and electronic processors, namely, electronic data processing apparatus; Computer software platforms for the collection, management and monitoring of data in studies and clinical and pharmaceutical trials, medical and biomedical researches</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0  Advertising; Business management; Business administration assistance; Providing office functions; Administrative and managerial activities in research and clinical, medical, biomedical and pharmaceutical trials, namely, providing information management services, management and compilation of computerized databases in the field of clinical trials for business purposes; Management of clinical data, namely, providing the services of organizing and managing the results of clinical, medical, biomedical and pharmaceutical trials for human and veterinary use; Providing business information and advice to others regarding the selection of equipment, medical instruments and medical, biomedical and pharmaceutical products to be purchased, leased, rented or hired; Business consultancy for commercial purposes in connection with the approval of medicines and medicinal products, equipment and instruments, business management and product commercialization; Business consulting services in the nature of reviewing the results of business feasibility studies and statistical studies in the field of clinical researches; Preparation of business reports on the development and use of medical, biomedical and pharmaceutical products; Management of clinical data for clinical, medical, and pharmaceutical diagnosis, namely, providing the services of organizing and managing clinical, medical and pharmaceutical results for human and veterinary use; Services of management and compilation of computer databases in the field of studies and clinical, medical, biomedical and pharmaceutical trials; Services of search and selection of personnel specialized in the field of clinical medical, biomedical and pharmaceutical research; Services of recruitment and management of patients for participations in clinical studies for testing medicines and other products in the biomedical field</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0  Education services, namely, classes, seminars, workshops, in the field of clinical, medical, biomedical, pharmaceutical and biostatistics fields; Training on techniques and technologies in the clinical, medical, biomedical, pharmaceutical and biostatistics field</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0  Scientific and technological services, namely, scientific research in the medical, biomedical, chemical, biochemical, biological and bacteriological fields; Industrial research and analysis in the fields of medical, biomedical, chemical, biochemical, biological and bacteriological products; Design and development of computer hardware and software; Scientific and technological research, namely, conducting clinical trials for others in the clinical, medical, biomedical and pharmaceutical field; Remote monitoring of the electrical and electronic function and use of clinical, medical and biomedical equipment; Computer programming services for the creation of contents for virtual worlds and three-dimensional platforms in the field of clinical medical, biomedical and pharmaceutical research; Technical consultancy for the purpose of ascertaining and certifying that applicable standards are complied with in the field of medical, biomedical, pharmaceutical research and clinical trials</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0</p>

	Medical services; consultancy and information services relating to pharmaceutical products
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Attachments	79123918#TMSN.png( bytes ) 374-311 - Notice of Opposition.pdf(169398 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JJB/
Name	James J. Bitetto
Date	03/02/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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CROMSOURCE S.r.L.,

Opposer,  
v.

Opposition No.: [TBD]  
Serial No.: 86/635,637  
Mark: **MOMSOURCE NETWORK** (Word mark)  
Published: November 3, 2015

MomForce, LLC,

Applicant.

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Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**Notice of Opposition**

**CROMSOURCE S.r.L.** (“Opposer”), a Limited Liability Company organized and existing under the laws of Italy, and having a principal place of business at **Via Giorgio De Sandre, 3, I-37135 Verona (VR) ITALY**, believes that it will be damaged by, and hereby opposes, the grant of the application of **MomForce, LLC** (“Applicant”), a Limited Liability Company of Tennessee at **3209 Red Meadow Road, Knoxville, Tennessee, USA**, to register the mark “MOMSOURCE NETWORK” (Word mark) shown in the application Serial Number 86/635,637 filed May 20, 2015 for “Employment hiring, recruiting, placement, staffing and career networking services; Providing a web site featuring the ratings, reviews and recommendations on employers and employees and places of employment for use by employees, employers, business owners, and consumers; Providing on-line employment placement services, namely, matching resumes and potential employers via a global computer network; Providing on-line interactive employment counseling and recruitment services” in International Class 035. Pursuant to 15 U.S.C. Section 1052, by and through its attorneys, Opposer hereby opposes the same.

1. By the application Serial No. 86/635,637 herein opposed, Applicant is seeking to

obtain registration on the Principal Register of “MOMSOURCE NETWORK” (hereinafter “Applicant’s ‘637 mark”) for services in class 035, and particularly, for “Employment hiring, recruiting, placement, staffing and career networking services; Providing a web site featuring the ratings, reviews and recommendations on employers and employees and places of employment for use by employees, employers, business owners, and consumers; Providing on-line employment placement services, namely, matching resumes and potential employers via a global computer network; Providing on-line interactive employment counseling and recruitment services” in International Class 035. The Applicant’s ‘637 mark is a Word Mark.

2. Applicant’s application Serial No. 86/635,637 for “MOMSOURCE NETWORK” is an In-Use application filed on May 20, 2015 and such mark was published for opposition on November 3, 2015. Opposer timely filed a request for a 90 day extension of time to file an opposition with the Trademark Trial and Appeal Board on December 2, 2015, which was duly granted by the Board on December 2, 2015. This Notice of Opposition is timely filed.

3. Opposer is the owner of at least the following federal trademark registration:
- a. No. 4,445,694 (hereinafter “CROMSOURCE ‘694 Registration”), registered on the Principal Register on December 10, 2013 for the trademark CROMSOURCE (Word mark) for:
    - i. “Calculating machines; Computers; Information processing equipment and electronic processors, namely, electronic data processing apparatus; Computer software platforms for the collection, management and monitoring of data in studies and clinical and pharmaceutical trials, medical and biomedical researches” in International Class 009;
    - ii. “Advertising; Business management; Business administration assistance; Providing office functions; Administrative and managerial activities in research and clinical, medical, biomedical and pharmaceutical trials, namely, providing information management services, management and compilation of computerized databases in the field of clinical trials for business purposes; Management of clinical data, namely, providing the services of organizing and managing the results of clinical, medical, biomedical and pharmaceutical trials for human and veterinary use; Providing business information and advice to others regarding the selection of equipment, medical instruments and medical, biomedical and pharmaceutical products to be purchased, leased, rented or

hired; Business consultancy for commercial purposes in connection with the approval of medicines and medicinal products, equipment and instruments, business management and product commercialization; Business consulting services in the nature of reviewing the results of business feasibility studies and statistical studies in the field of clinical researches; Preparation of business reports on the development and use of medical, biomedical and pharmaceutical products; Management of clinical data for clinical, medical, and pharmaceutical diagnosis, namely, providing the services of organizing and managing clinical, medical and pharmaceutical results for human and veterinary use; Services of management and compilation of computer databases in the field of studies and clinical, medical, biomedical and pharmaceutical trials; Services of search and selection of personnel specialized in the field of clinical medical, biomedical and pharmaceutical research; Services of recruitment and management of patients for participations in clinical studies for testing medicines and other products in the biomedical field" in **International Class 035**;

- iii. "Education services, namely, classes, seminars, workshops, in the field of clinical, medical, biomedical, pharmaceutical and biostatistics fields; Training on techniques and technologies in the clinical, medical, biomedical, pharmaceutical and biostatistics field " in **International Class 041**;
- iv. "Scientific and technological services, namely, scientific research in the medical, biomedical, chemical, biochemical, biological and bacteriological fields; Industrial research and analysis in the fields of medical, biomedical, chemical, biochemical, biological and bacteriological products; Design and development of computer hardware and software; Scientific and technological research, namely, conducting clinical trials for others in the clinical, medical, biomedical and pharmaceutical field; Remote monitoring of the electrical and electronic function and use of clinical, medical and biomedical equipment; Computer programming services for the creation of contents for virtual worlds and three-dimensional platforms in the field of clinical medical, biomedical and pharmaceutical research; Technical consultancy for the purpose of ascertaining and certifying that applicable standards are complied with in the field of medical, biomedical, pharmaceutical research and clinical trials" in **International Class 042**; and
- v. "Medical services; consultancy and information services relating to pharmaceutical products" in **International Class 044**.

4. Opposer's CROMSOURCE '694 Registration listed above has not been cancelled, is valid, and is currently in full force and effect.

5. The Opposer has been continuously and prominently using its “CROMSOURCE” trademark in connection with the goods and services listed in its registration and has been actively promoting and expanding its use of the mark.

6. As a result of the prior prominent and widespread use in commerce by the Opposer of the aforesaid “CROMSOURCE” trademark in connection with its respective goods and services, the mark has acquired extensive goodwill, has developed a high degree of distinctiveness, is an asset of the Opposer, and is well known and recognized as identifying at least the listed goods and services which have their origin with or have been authorized by the Opposer. In addition, Opposer’s “CROMSOURCE” trademark has reached the good reputation it enjoys, prior to the filing date of Applicant’s ‘637 mark.

7. Opposer has priority with respect to the mark at issue in this Opposition. Opposer adopted and commenced use of its “CROMSOURCE” mark as a trademark before Applicant filed its application for its ‘637 mark.

8. Applicant’s mark “MOMSOURCE NETWORK” is confusingly and deceptively similar to Opposer’s previously used and duly registered mark “CROMSOURCE” at least in sight, sound, connotation and/or commercial impression. In particular, Applicant’s mark includes the dominant term “MOMSOURCE” which is virtually identical to the Opposer’s mark in appearance and cadence (two-syllables, rhymes with), as it includes the identical letters: “omsorce.” The dominant term “MOMSOURCE” of the Applicant’s mark can be considered a mere play on words of the Opposer’s mark “CROMSOURCE.”

9. Opposer notes that the term “NETWORK” in the Applicant’s mark was disclaimed via an Examiner’s Amendment mailed on September 3, 2015. Opposer asserts that the term “NETWORK” in the Applicant’s ‘637 mark has little or no trademark significance in and of itself with respect to the Applicant’s services.

10. Applicant's services in Class 035 encompass, are closely related and/or are identical to at least the services in Class 035 provided in connection with Opposer's "CROMSOURCE" trademark, and such services would travel and/or be promoted through the same channels of trade, marketing and/or advertising to be provided to and/or used by, the same class of purchasers/clients. In particular, the services of the Applicant's '637 mark are very closely related to at least the Class 035 services of the Opposer's CROMSOURCE '694 Registration.

11. Due to the similarity between Applicant's mark and Opposer's previously used and duly registered "CROMSOURCE" trademark, including the closely related nature of the respective services of the parties, Applicant's mark "MOMSOURCE NETWORK" is likely to cause confusion, mistake or deception as to the source of origin of Applicant's services in that the public, the trade and others are likely to believe that Applicant's services are: (a) the same services as Opposer's and/or (b) endorsed, provided, sponsored, approved, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, licensed products and/or services.

12. Thus, the use and registration of the Applicant's '637 mark for the "MOMSOURCE NETWORK" mark for services in Class 035 is likely to cause confusion or to cause mistake or deception in the trade and among purchasers/users and potential purchasers/users with Opposer's previously used and duly registered "CROMSOURCE" trademark, causing damage to Opposer.

13. The use and registration of the Applicant's '637 mark for the "MOMSOURCE NETWORK" mark is likely to dilute the distinctive quality of Opposer's "CROMSOURCE" trademark, again causing damage to Opposer.

14. Registration of the mark shown in the Application Serial No. 86/635,637 will result in damage to Opposer under the provisions of Section 2(d) of United States Trademark Act, 15 U.S.C. 1052(d), pursuant to the allegations stated above.



WHEREFORE, Opposer respectfully requests that the Opposition be sustained and Application Serial Number 86/635,637 be refused registration.

Accompanying this Notice of Opposition is the required fee of \$300.00.

Dated: March 2, 2016

Respectfully submitted,  
**CROMSOURCE S.r.L.**

By its attorneys,

/Susan Paik/

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*ATTORNEY(S) FOR OPPOSER*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the Applicant's attorney (as listed in their 86/635,637 application) by mailing said copy on March 2, 2016 via first class mail to:

**ATTN: Autumn Witt Boyd  
Law Office of Autumn Witt Boyd  
P.O. Box 4932  
Chattanooga, Tennessee 37405**

/Susan Paik/

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Susan Paik